

# Notice of Allowability

Application No.

09/332,358

Examiner

Abdulkhakim Nobahar

Applicant(s)

TOH ET AL.

Art Unit

2132

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/17/2006.
2. ☒ The allowed claim(s) is/are 1-10, 12-16 and 28-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Allowable Subject Matter***

1. Claims 1-10, 12-16 and 28-37 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of the independent claims 1, 12, 28, 31 and 32 are the inclusion of the following limitations that are not found in the prior art and they are uniquely distinct features. The closest prior arts are Smith et al (6,061,448) and Boebert et al (5,864,683). Smith discloses a system for secure document delivery over an open network, such as Internet. The document is sent from a sender to a recipient via a delivery sever. Smith also discloses that the document is stored on the sender's computer until it is sent to the recipient. Boebert discloses a system of secure transfer of data from a sender to a recipient over a public network. Boebert also discloses that data is securely stored by using a local cryptography and for delivering the data to a client, the client is authenticated.

However, these two arts, singularly or in combination, fail to anticipate or render the following limitation:

“Claim 1: upon a determination that the addressee does have a public key, encrypting the package with the addressee's public key and not encrypting the package with an escrow encryption;

only upon a determination that the addressee does not have a public key, selectively encrypting the package with the escrow encryption key;

issuing new public and private keys to the addressee, where said new public key is not equal to said escrow encryption key.”

“Claim 12: determining whether to apply escrow encryption to a file by checking at least one electronic directory to determine whether the addressee has a public key; and

only in response to a determination that the addressee has a public key, encrypting the package using the addressee's new public key and transmitting the addressee's new public key encrypted package to the addressee via the network without storing said package in escrow; and

only in response to a determination that the addressee does not have a public key; wherein said addressee's new public key is not identical to said escrow encryption key.”

“Claim 28: only in response to a determination that the addressee does have a public key, encrypting the package with the addressee's public key and transmitting the addressee's public key encrypted package to the addressee;

only in response to a determination that the addressee does not have a public key;

where said new public key is not identical to the escrow encryption key.”

"Claim 31: checking at least one directory to determine whether the addressee has a public key;

only in response to a determination that the addressee has a public key, encrypting the package with the addressee's public key and transmitting the addressee's public key encrypted package to said addressee without waiting for an acknowledgement from the addressee;

only in response to a determination that the addressee does not have a public key:"

"Claim 32: in response to a determination that the addressee has a public key, encrypting the package with the addressee's public key and transmitting the addressee's public key encrypted package to said addressee;

only in response to a determination that the addressee does not have a public key;

encrypting the package with an escrow encryption key and subsequently transmitting the escrow key encrypted package through the network to an escrow storage area on a network computer remote from said first computer."

3. The dependent claims 2-10, 13-16, 29, 30 and 33-37 are allowed because they were originally found to include a unique feature not found in the closest abovementioned art.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar  
Examiner  
Art Unit 2132 *A.N.*

September 11, 2006

*Gilberto Barron Jr.*  
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